

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID SERRANO-MUÑOZ
Plaintiff

v.

TROOPER RYAN ROGERS, et al.
Defendants

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CIVIL ACTION

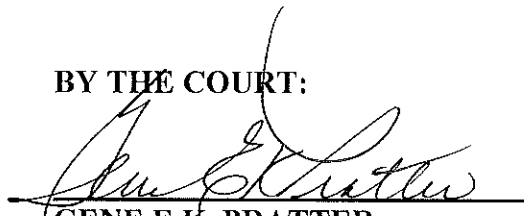
No. 18-4983

ORDER

AND NOW, this 20th day of September, 2021, upon consideration of Plaintiff David Serrano-Muñoz's Complaint (Doc. No. 2), the Defendants' Motion to Dismiss (Doc. No. 31), and Mr. Serrano-Muñoz's response thereto (Doc. No. 40), and for the reasons stated in the accompanying memorandum, it is **ORDERED** that:

1. The Defendants' Motion to Dismiss (Doc. No. 31) is **GRANTED WITH PREJUDICE** as to Mr. Serrano-Muñoz's Fourth Amendment warrantless seizure claim and his Fifth Amendment self-incrimination claim.
2. The Defendants' Motion to Dismiss (Doc. No. 31) is **GRANTED WITHOUT PREJUDICE** as to Mr. Serrano-Muñoz's Fourth Amendment excessive force claim.
3. If Mr. Serrano-Muñoz chooses to file an amended complaint with respect to a Fourth Amendment claim, he shall do so on or before October 4, 2021 in a manner consistent with the terms of the Court's opinion, and failure to do so may lead to the Court's dismissal of a Fourth Amendment claim with prejudice without further notice to Plaintiff.

BY THE COURT:



GENE E.K. PRATTER
United States District Judge